

11/11 2160

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July 17, 2009

VIA FACSIMILE
CONFIRMATION VIA FIRST CLASS MAIL

Mr. Andrew Hirshfeld
Director, Group 2150/2160
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Va. 22313-1450

Re: Inquiry re. US Patent Office processing of:
U.S. Patent Application Serial No.: 09/885,485
Filed: June 20, 2001
Entitled: "GENERATING PATH CENTRIC TRAFFIC
INFORMATION FOR ANALYSIS USING AN ASSOCIATION OF
PACKET CENTRIC INFORMATION TO PATH CENTRIC
INFORMATION"
Applicants: Kaushik GHOSH et al.
Our Ref: Juniper-11

Dear Director Hirshfeld:

Although I have been a registered Patent Agent since 1992 and a Patent Attorney since 1995, this is the first time I have had to request the help of a Director. However, in this instance I feel compelled to do so given the troubling lack of responsiveness by both Examiner Barot and SPE Najjar.

In its decision dated July 12, 2007, the Board of Patent Appeals and Interferences ("BPAI") affirmed the anticipation rejection of claims 1-3, 15, 25 and 32-34,

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reversed the anticipation rejection of claims 16, 17, 19, 20 and 31, and reversed the obviousness rejection of claims 4 and 5. In accordance with MPEP 1214.06 (I)(B), the Examiner should have either:

- (1) converted dependent claims (4, 6, 16-20, 26, 30 and 31) into independent form by Examiner's Amendment, cancel all claims in which the rejection was affirmed, and issue the application; or
- (2) set a 1-month time limit in which appellant may rewrite the dependent claim(s) in independent form,

because the BPAI affirmed a rejection against independent claim 1 and reversed all rejections against a claim dependent thereon (namely, claims 4, 5, 16, 17, 19 and 20), because the BPAI affirmed a rejection against independent claim 25 and reversed all rejections against a claim dependent thereon (namely, claim 31) and because the period for further appeal expired. (See, MPEP 1214.06 (I)(B).)

When no communication was received from the U.S. Patent & Trademark Office ("USPTO"), I left a voice message with Examiner Barot on November 30, 2007. **This call was not returned.** I again called and finally discussed the status of this application with Examiner Barot on January 9, 2008 and explained that the Examiner should have proceeded (and should proceed) in accordance with MPEP 1214.06 (I)(B). The Examiner's position was that this application should have been abandoned. I disagreed. When **nothing further was received from the USPTO** I left a voice

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message with Examiner Barot on March 13, 2008. ***This message was not returned.***

When nothing further was received from the USPTO, I filed a Formal Status Inquiry Request on May 20, 2008, followed by Second and Third Formal Status Inquiries on January 6, 2009 and April 17, 2009, respectively. Copies of these Requests are available on Private PAIRS.

When ***still nothing was received from the USPTO***, on May 28, 2009, I telephoned SPE Najjar requesting the status of this application. SPE Najjar indicated that this application was abandoned in November 2007 and that a Notice of Abandonment was mailed. I informed SPE Najjar that we did not receive a Notice of Abandonment in this application, and noted that such a Notice of Abandonment was not listed in Private PAIRS. (It still isn't, as shown in the "Transaction History" and "Image File History" of Private PAIRS, both enclosed.) SPE Najjar agreed, but noted that it was in the PALM system of the USPTO.

Immediately following my conversation with SPE Najjar, I checked our mail log (which includes a listing of all incoming mailed correspondence) for the months of November 2007 and December 2007, and confirmed that my office had no record of having received the alleged Notice of Abandonment. I called SPE Najjar back and requested that the USPTO mail, or preferably fax, a copy of the missing Notice of Abandonment as we never received it and no copy

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is available on PAIRS. SPE Najjar indicated that the USPTO would send a copy.

Not having heard nor received anything since my May 28, 2009 discussions with SPE Najjar, I again telephoned him on July 10, 2009 and left a voice message that we still haven't received the alleged Notice of Abandonment and that I wanted this resolved within a week as both I and the applicants are frustrated with the delays in this matter.
I still have not received a response (not a telephone call, fax, or letter); hence this letter to you.

I regret having to trouble you with helping me to resolve this matter, but as you should appreciate, I feel I have exhausted other channels.

We look forward to receiving a prompt and appropriate response in accordance with MPEP 1214.06 (I)(B). Since the applicants have already been prejudiced by this delay (for which an appropriate patent term extension is requested), we request that if a Notice of Abandonment has in fact been mailed, it either be withdrawn, or this letter serve as a request to revive an unavoidably abandoned application, with no fee charged. We further request a resolution in accordance with MPEP 1214.06 (I)(B).

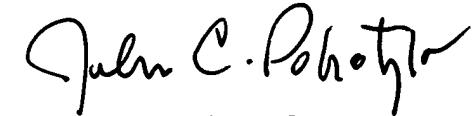
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Please feel free to contact me if you have any
questions.

Sincerely,



John C. Pokotylo
Reg. No. 36,242

JCP/KS/am
Enclosures



**GENERATING PATH-CENTRIC TRAFFIC INFORMATION FOR ANALYSIS
USING AN ASSOCIATION OF PACKET-CENTRIC INFORMATION TO
PATH-CENTRIC INFORMATION**

07-17-
2009::12:09:05

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

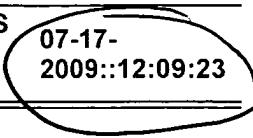
Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
04-07-2009	STATUS.LET	Request for status of Application	PROSECUTION	3
04-07-2009	TRAN.LET	Transmittal Letter	PROSECUTION	1
01-06-2009	STATUS.LET	Request for status of Application	PROSECUTION	4
05-20-2008	STATUS.LET	Request for status of Application	PROSECUTION	4
07-12-2007	APDP	BPAI Decision - Examiner Affirmed in Part	PROSECUTION	7
03-08-2007	AP_DK_M	Appeal Docketing Notice	PROSECUTION	1
10-20-2006	APEA	Examiner's Answer to Appeal Brief	PROSECUTION	13
10-20-2006	FWCLM	Index of Claims	PROSECUTION	1
10-20-2006	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
07-10-2006	AP.B	Appeal Brief Filed	PROSECUTION	33
05-03-2006	N/AP	Notice of Appeal Filed	PROSECUTION	1
05-03-2006	LET.	Miscellaneous Incoming Letter	PROSECUTION	2
05-03-2006	XT/	Extension of Time	PROSECUTION	2
05-03-2006	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	2
03-30-2006	CTAV	Advisory Action (PTOL-303)	PROSECUTION	3
03-30-2006	ANE.I	Amendment After Final or under 37CFR 1.312, initiated by the examiner.	PROSECUTION	1
03-03-2006	A.NE	Amendment After Final	PROSECUTION	2
03-03-2006	SPEC	Specification	PROSECUTION	1
03-03-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	13
11-30-2005	CTFR	Final Rejection	PROSECUTION	12
11-30-2005	FWCLM	Index of Claims	PROSECUTION	1
08-22-2005	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
08-22-2005	SPEC	Specification	PROSECUTION	10
08-22-2005	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	10
08-22-2005	XT/	Extension of Time	PROSECUTION	3
08-22-2005	LET.	Miscellaneous Incoming Letter	PROSECUTION	1
08-22-2005	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
04-21-2005	CTNF	Non-Final Rejection	PROSECUTION	10
04-21-2005	892	List of references cited by examiner	PRIOR ART	1
04-21-2005	FWCLM	Index of Claims	PROSECUTION	1
04-21-2005	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
04-07-2005	SRNT	Examiner's search strategy and results	PROSECUTION	1
12-20-2004	C.AD	Change of Address	PROSECUTION	1
12-13-2004	ELC.	Response to Election / Restriction Filed	PROSECUTION	2
12-13-2004	CLM	Claims	PROSECUTION	9
12-13-2004	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
12-13-2004	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
11-08-2004	CTRS	Requirement for Restriction/Election	PROSECUTION	5

11-08-2004	BIB	Bibliographic Data Sheet	PROSECUTION	1
11-08-2004	FWCLM	Index of Claims	PROSECUTION	1
11-08-2004	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
07-13-2004	C.AD	Change of Address	PROSECUTION	1
06-20-2001	TRNA	Transmittal of New Application	PROSECUTION	5
06-20-2001	136A	Authorization for Extension of Time all replies	PROSECUTION	5
06-20-2001	SPEC	Specification	PROSECUTION	21
06-20-2001	CLM	Claims	PROSECUTION	7
06-20-2001	ABST	Abstract	PROSECUTION	1
06-20-2001	DRW	Drawings-only black and white line drawings	PROSECUTION	11
06-20-2001	OATH	Oath or Declaration filed	PROSECUTION	4
06-20-2001	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
06-20-2001	WFEE	Fee Worksheet (PTO-875)	PROSECUTION	1
06-20-2001	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1

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**GENERATING PATH-CENTRIC TRAFFIC INFORMATION FOR ANALYSIS
USING AN ASSOCIATION OF PACKET-CENTRIC INFORMATION TO
PATH-CENTRIC INFORMATION**



07-17-
2009::12:09:23

Transaction History

Date	Transaction Description
07-12-2007	Mail BPAI Decision on Appeal - Affirmed in Part 
07-12-2007	BPAI Decision - Examiner Affirmed in Part
03-08-2007	Assignment of Appeal Number
02-26-2007	Appeal Awaiting BPAI Docketing
11-07-2006	Exam. Ans. Review Complete
11-07-2006	Appeal Brief Review Complete
10-20-2006	Mail Examiner's Answer
10-16-2006	Examiner's Answer to Appeal Brief
08-02-2006	Appeal Brief Review Complete
08-02-2006	Date Forwarded to Examiner
07-10-2006	Appeal Brief Filed
05-03-2006	Notice of Appeal Filed
05-03-2006	Request for Extension of Time - Granted
03-30-2006	Mail Advisory Action (PTOL - 303)
03-29-2006	Advisory Action (PTOL-303)
03-23-2006	Date Forwarded to Examiner
03-03-2006	Amendment after Final Rejection
11-30-2005	Mail Final Rejection (PTOL - 326)
11-28-2005	Final Rejection
09-22-2005	Date Forwarded to Examiner
08-22-2005	Response after Non-Final Action
08-22-2005	Request for Extension of Time - Granted
04-21-2005	Mail Non-Final Rejection
04-18-2005	Non-Final Rejection
03-14-2005	Date Forwarded to Examiner
12-20-2004	Response to Election / Restriction Filed
12-13-2004	Workflow incoming amendment IFW
11-11-2004	Correspondence Address Change
11-08-2004	Mail Restriction Requirement
11-01-2004	Requirement for Restriction / Election
09-16-2004	Case Docketed to Examiner in GAU
06-16-2004	IFW TSS Processing by Tech Center Complete
07-21-2003	Case Docketed to Examiner in GAU
01-27-2002	Case Docketed to Examiner in GAU
01-27-2002	Case Docketed to Examiner in GAU
08-16-2001	Application Dispatched from OIPE
08-15-2001	Correspondence Address Change
06-28-2001	IFW Scan & PACR Auto Security Review
06-20-2001	Initial Exam Team nn

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